Remarks

The present amendment amends claims 18, 20-27 to further clarify the present invention by removing "molecular" and including "dissolved." These amendments are supported throughout the specification, and specifically for example, on page 4, line 21 and page 7, line 8. No new matter is added.

The amendment also amends claims 1, 13, 14, and 23-26 to depend directly or indirectly from claim 18. These amendments are supported throughout the specification, and specifically for example, on page 12, line 30 and no new matter is added.

Claim 20 now recites "an oxidation/reduction potential (ORP)," which now clarifies the abbreviation ORP. This amendment is supported throughout the specification, and specifically for example, on page 3, line 17-18 and no new matter is added.

Restriction Requirement

The Office Action asserts that the application contains the following groups of inventions:

I. Claims 1-9, allegedly drawn to water comprising a metal colloid.

II. Claims 10, 13, and 14, allegedly drawn to a health drink.

III. Claim 11, allegedly drawn to an anti-oxidative stress-related disorder agent composition.

IV. Claim 12, allegedly drawn to an anti-aging composition.

V. Claims 15 and 16, allegedly drawn to an anti-autoimmune disease agent.

VI. Claim 17, allegedly drawn to a living organism-applicable fluid.

VII. Claim 18-22, 27, and 28, allegedly drawn to water.

VIII. Claim 23, allegedly drawn to anti-oxidative agent.

IX. Claim 24, allegedly drawn to anti-hepatic damage composition.

X. Claim 25, allegedly drawn to anti-ischemia/reperfusion agent.

XI. Claim 26, allegedly drawn to living organism-applicable composition.

Election

Applicants elect *with traverse* the invention set forth in Group VII, i.e., Claims 18-22, 27, and 28. Applicants note that the present application is a National Stage application submitted under 35 U.S.C. § 371, and thus, Unity of Invention practice governs the issuance of any Restriction Requirement.

Applicants' traversal is based upon the fact that Group VII shares a common special technical feature, at least with respect to the following groups: Group I, Group VIII, Group IX, Group X, Group XI, and claims 13 and 14 of Group II.

All of the aforementioned groups/claims recite "pharmacologic-functioning water" and are directly or indirectly dependent on claim 18. Thus, the special technical feature for Group I, Group VIII, Group IX, Group X, Group XI, Group XI, and claims 13 and 14 of Group II is (at least) the water, specifically the pharmacologic-functioning water, of Group VII.

Applicants respectfully remind the Office that the Unity of Invention rules are intended to allow the Patent Office to group claims together based upon common technical features. The Rules essentially state that, as a means for determining what a "special technical feature" may be, an Examiner may consider those features that distinguish the claims from the prior art. Those claims that share this common feature should be grouped together for purposes of examination. Applicants respectfully note that, regardless of whether the Patent Office makes an initial determination that a particular *shared* feature is present in the prior art, claims sharing that feature should still be grouped together for examination.

The PCT Unity of Invention Rules do not authorize the Patent Office to make an initial determination of novelty, and then, upon an unchallenged conclusion that novelty is not present, divide the claims into groups according to U.S. restriction practice. Such action twists the PCT Unity of Invention Rules and results only in delays in prosecution. In the Restriction Requirement, the Office states that "Applicant is attempting to claim a known composition used in a variety of different formulations used from drinking to treating the liver" (page 3, Office Action). Applicants respectfully submit that the Office's conclusion relating to a lack of unity of invention is based solely on the assumption that the claims lack novelty and ignores the fact that the above-noted claims share the same features.

Thus, Applicants respectfully request that the Office reconsider the requirement for restriction, and withdraw the restriction requirement and consider Groups I, VIII, IX, X, and XI, and claims 13 and 14 of Group II, with elected Group VII.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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